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*Attorneys for Defendant*

*Discover Your Mobility, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ELLEN REEVES, individually,

Plaintiff,

vs.

DISCOVER YOUR MOBILITY, INC., a foreign corporation, WORLD WIDE SEATING, INC., a foreign corporation; DOE EMPLOYEES I-V, individually; ROE MANUFACTURERES I-X; ROE INSPECTION OCMpanies I-V; ROE DISTRIBUTORS I-X; DOE INDIVIDUALS I-X; and ROE BUSINESS ENTITIES I-X, inclusive,

Defendants.

Case No.: 2:22-cv-01361-GMN-DJA

**DEFENDANT DISCOVER YOUR MOBILITY'S STATEMENT REGARDING**

**REMOVAL OF CIVIL ACTION**

COMES NOW Defendant, DISCOVERY YOUR MOBILITY, INC. ("Defendant" or "DYM"), by and through its attorneys of record, the law firm of Alverson Taylor & Sanders, and hereby submits this statement regarding removal of this action pursuant to the Court's minute order dated August 23, 2022 (ECF No. 3).

**SERVICE OF SUMMONS AND COMPLAINT**

1. Defendant was served with a Summon and Complaint in this matter Summons and Complaint filed in Case No. A-22-854271-C from the Eighth Judicial District Court in Clark County, Nevada ("State Court") on or about July 22, 2022.

### **GROUND FOR DIVERSITY JURISDICTION**

2. Removal of this case pursuant to 28 U.S.C. §§ 1441 and 1446 is proper as it falls within the Court's diversity jurisdiction. Specifically, this Court has original jurisdiction as the parties are of diverse citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. See 28 U.S.C. § 1332(a).

3. There is one Plaintiff and two Defendants in this action. According to Plaintiff's Complaint, Plaintiff is a resident of Clark County, Nevada. Defendant DYM is a corporation organized under the laws of the State of Michigan, with its principal place of business in Michigan. Upon information and belief, Defendant WORLD WIDE SEATING, INC. is a Michigan corporation that was dissolved in 2009. Upon information and belief, Defendant WORLD WIDE SEATING, INC. has not been served. There are no named Defendants that are citizens of Nevada.

4. DYM is the only Defendant that has been served in this matter and therefore, there are no defendants who refused to formally join in the Notice of Removal.

5. The Notice of Removal was filed within 30 days of the date on which DYM was first served with the Summons and Complaint.

6. Plaintiff's Complaint, filed in State Court on June 17, 2022, sets forth various allegations regarding Plaintiff's injuries and damages. See **Exhibit A**, Complaint, filed June 17, 2022 in State Court.

7. This is a product defect action. Plaintiff generally alleges that she suffered injuries as a result of a defective pool lift, which collapsed and struck Plaintiff across the top of her head. *Id.* at ¶ 13-21.

8. Plaintiff alleges generally that she "suffered severe injuries, all or some of which conditions appear be permanent and which are severely disabling in nature, causing general and special damages in amounts to be determined at trial, but which amounts easily exceed the statutory minimum of \$15,000." *Id.* at ¶ 25.

9. Plaintiff alleges generally that she suffered a severe head injury. *Id.* at ¶ 18.

10. While the amount of Plaintiff's damages is not specified, permanent and disabling injuries, as alleged, are likely to exceed \$75,000.

Defendant respectfully submits this Statement Regarding Removal to the Court and asks that this Court recognize that removal of this action is, and was, proper and timely.

DATED this 12th day of September, 2022.

ALVERSON TAYLOR & SANDERS



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**CERTIFICATE OF SERVICE VIA CM/ECF**

Pursuant to FRCP 5, I hereby certify that I am an employee of ALVERSON TAYLOR & SANDERS and that on the 12th day of September, 2022, I caused to be served via CM/ECF a true and correct copy of **DEFENDANT DISCOVERY YOUR MOBILITY'S STATEMENT REGARDING REMOVAL** to the following:

Bradley S. Mainor, Esq.  
Joseph J. Wirth, Esq.  
Ash Marie Blackburn, Esq.  
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6018 S. Fort Apache Road, Ste. 150  
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/S/ Teri Jenks

An Employee of ALVERSON  
TAYLOR & SANDERS

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